10 CSR 10-6.060 Construction Permits Required

(1) Applicability.

(A) Definitions. Definitions for key words or phrases used in this rule may be found in 10 CSR 10-6.020(2).

(B) Covered Installations/Changes. This rule shall apply to installations throughout Missouri with the potential to emit any pollutant in an amount equal to or greater than the *de minimis* levels. This rule also shall apply to changes at installations which emit less than the *de minimis* levels where the construction or modification itself would be subject to section (6), (7), (8) or (9) of this rule. This rule shall apply to all incinerators.

(C) Construction/Operation Prohibited. No owner or operator shall commence construction or modification of any installation subject to this rule, begin operation after that construction or modification, or begin operation of any installation which has been shut down longer than five (5) years without first obtaining a permit from the permitting authority under this rule. For sources not subject to review under sections (7), (8) or (9), construction may be commenced if authorized by the director. A request for authorization must include: a signed waiver of any state liability; a complete list of the activities to be undertaken; and, the applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application. A request will not be granted unless an application for permit approval under this rule has been filed. The waiver is not available to sources seeking federally enforceable permit restrictions to avoid review under sections (7)–(9).

(D) Exempt Emissions Units.

1. The following combustion equipment is exempt from this rule if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (Btus) per hour heat input; or

B. Any combustion equipment with a capacity of less than one (1) million Btus per hour heat input.

2. The following establishments, systems, equipment and operations also are exempt from this rule:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

D. Livestock and livestock handling systems from which the only potential air contaminant is odorous gas;

E. Any grain handling, storage and drying facility which—

(I) Is in noncommercial use only, that is, used only to handle, dry or store grain produced by the owner if—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence or business not occupied or used solely by the owner; and

(II) Is in commercial use and the total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying;

H. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless the equipment or control equipment also emits other regulated air pollutants;

K. Residential wood heaters, cookstoves or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption; and

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized, as authorized in section 269.020.6, RSMo 2000.

3. At installations, previously issued a permit under this rule, construction or modifications are exempt from this rule if they meet the requirements of subparagraphs (1)(D)3.A. or (1)(D)3.B. of this rule for criteria pollutants, except lead, and subparagraph (1)(D)3.C. for hazardous air pollutants. The director may require review of construction or modifications otherwise exempt under subparagraphs (1)(D)3.A., (1)(D)3.B., or (1)(D)3.C. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. For proposed construction or modification located less than five hundred (500) feet from the property boundary, at maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than one-half (0.5) pounds per hour. For proposed construction or modification located more than five hundred (500) feet from the property boundary, at a maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than 0.91 pounds per hour.

B. Actual emissions of each criteria pollutant will be no more than eight hundred seventy-six (876) pounds per year.

C. At maximum design capacity the proposed construction or modification will emit a hazardous air pollutant at a rate of no more that one-half (0.5) pounds per hour, or the hazardous air pollutant emission threshold as established in subsection (12)(J) of this rule, whichever is less.

(E) Excluded Activities. This rule does not apply to—

1. Routine maintenance, parts replacement or relocation of emissions units within the same installation which do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality, of the emissions of any air contaminant. Solely for the purpose of illustrating this category of excluded activities without limiting the generality of the preceding liberal sentence, the following examples are given:

A. Replacing the bags in a baghouse;

B. Replacing wires, plates, rappers, controls or electric circuitry in an electrostatic precipitator which does not measurably decrease the design efficiency of the unit;

C. Replacement of fans, pumps or motors which does not alter the operation of a source or performance of a control device;

D. Boiler tubes;

E. Piping, hoods and ductwork; or

F. Replacement of engines, compressors or turbines as part of a normal maintenance program.

2. Changes in a process or process equipment which do not involve installing, constructing or reconstructing an emissions unit or associated air cleaning devices, and that do not involve either any appreciable change either in the quality or nature, or any increase in either the potential to emit or the effect on air quality of the emissions of any air contaminant. Solely for the purpose of illustrating this category of excluded activities and without limiting the generality of the preceding liberal sentence, the following examples are given:

A. Change in the supplier or formulation of similar raw materials, fuels, paints and other coatings;

B. Change in the sequence of the process;

C. Change in the method of raw material addition;

D. Change in the method of product packaging;

E. Change in the process operating parameters;

F. Replacement of an identical or more efficient cyclone precleaner which is used as a precleaner in a fabric filter control system;

G. Installation of a floating roof on an open top petroleum storage tank;

H. Replacement of a fuel burner in a boiler with a more thermally efficient burner;

I. Lengthening a paint drying oven to provide additional curing time; or

J. Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment.

3. Replacement of like-kind emission units that do not involve either any appreciable change either in the quality or nature, or any increase either in the potential to emit or the effect on air quality, of the emissions of any air contaminant.

4. The exempt activities in paragraphs (1)(E)1.–3. of this rule reflect a presumption that existing emissions units which are changed or replaced by like-kind units shall be treated as having begun normal operation for purposes of the definition of actual emissions in 10 CSR 10-6.020.

5. Permit-by-rule. *(Reserved)*

(F) Exceptions to Excluded Activities. The exclusion provisions of subsection (1)(E) of this rule notwithstanding, this rule shall apply to any construction, reconstruction, alteration or modification which—

1. Is expressly required by an operating permit; or

2. Is subject to federally-mandated construction permitting requirements set forth in sections (7), (8) or (9), or any combination of these, of this rule.

(2) Unified Review. When the construction or modification and operation of any installation requires a construction permit under this rule, and an operating permit or its amendment, under 10 CSR 10-6.065, the installation shall receive a unified construction and operating permit, or its amendment, and a unified review, hearing and approval process, unless the applicant requests in writing that the application for a construction and operating permit, or its amendment, be reviewed separately. Under this unified review process, the applicant shall submit all the applications, forms and other information required by the permitting authority.

(A) Review of Applications. The permitting authority shall complete any unified review within one hundred eighty-four (184) days, as provided under the procedures of this rule and 10 CSR 10-6.065 Operating Permits Required.

(B) Issuance of Permits. As soon as the unified review process is completed, if the applicant complies with all applicable requirements under this rule and 10 CSR 10-6.065, the construction permit and the operating permit, or its amendment, shall be issued to the applicant and the applicant may commence construction. The operating permit shall be retained by the permitting authority until validated pursuant to this section.

(C) Validation of Operating Permits. Within one hundred and eighty (180) days after commencing operation, the holder of an operating permit, or its amendment, issued by the unified review process shall submit to the permitting authority all information required by the permitting authority to demonstrate compliance with the terms and conditions of the issued operating permit, or its amendment. The permittee shall also provide information identifying any applicable requirements which became applicable subsequent to issuance of the operating permit. Within thirty (30) days after the applicant's request for validation, the permitting authority will take action denying or approving validation of the issued operating permit, or its amendment. If the permittee demonstrates compliance with both the construction and operating permits, or its amendment, the permitting authority shall validate the operating permit, or its amendment, and forward it to the permittee. No part 70 permit will be validated unless—

1. At the time of validation, the permitting authority certifies that the issued permit contains all applicable requirements; or

2. The procedures for permit renewal in 10 CSR 10-6.065(6)(E)3. have occurred prior to validation to insure the inclusion of any new applicable requirements to which the part 70 permit is subject.

(3) Temporary Installations and Pilot Plants Permits. The permitting authority may exempt temporary installations and pilot plants having a potential to emit under one hundred (100) tons of each pollutant from any of the requirements of this rule, provided that these exemptions are requested in writing prior to the start of construction. These exemptions shall be granted only when the attainment or maintenance of ambient air quality standards is not threatened, when there will be no significant impact on any Class I area, and when the imposition of requirements of this rule would be unreasonable.

(4) Portable Equipment Permits. Portable equipment must meet the following criteria:

(A) The potential to emit is less than one hundred (100) tons per year of any air pollutant;

(B) The equipment was permitted previously under either section (5), (6), (7) or (8) and the previous permit is still valid;

(C) The equipment is operated and maintained in a manner identical to that specified in the currently valid permit; and

(D) The following conditions must be met when permitted portable equipment is to be operated at a different location:

1. When the owner or operator wishes to operate the portable equipment at a new location not previously permitted or at a location where other sources (either permanent or portable) are operating, the owner or operator shall submit to the permitting authority a Portable Source Relocation Request, property boundary plot plan and the equipment layout for the site. A relocation request is subject to the fees and the time frames specified in this rule, except for the permit filing fee. The relocation request will be approved if it is determined that there will be no significant impact on any Class I area or an area where air quality increments have been consumed. The permitting authority shall make the final determination and, if appropriate, approve the relocation request no later than twenty-one (21) calendar days after receipt of the complete Portable Source Relocation Request;

2. When the owner or operator wishes to relocate the portable equipment to a site that is listed on the permit or on the amended permit (provided other sources are not approved to operate at the same location), the owner or operator shall report the move to the permitting authority on a Portable Source Relocation Request for authorization to operate in the new locale as soon as possible, but not later than seven (7) calendar days prior to ground breaking or initial equipment erection. No fees are associated with this authorization. Authorization will be presumed if notification of denial is not received by the specified ground breaking or equipment erection date; and

3. The equipment shall be operated at each new location no more than twenty-four (24) consecutive months without an intervening relocation.

(5) *De Minimis* Permits.

(A) Any construction or modification at an installation subject to this rule which results in a net emissions increase below the *de minimis* levels shall be exempt from further requirements of this rule if the owner or operator of the source applies for, and the permitting authority issues, a *de minimis* permit for that installation.

(B) This *de minimis* permit shall be issued and in effect only if all of the following conditions are met:

1. The permitting authority is notified in writing of the proposed construction prior to the commencement of construction;

2. Information is submitted to the permitting authority which is sufficient for the permitting authority to verify the annual emission rate, to verify that no applicable emission control rules will be violated, and to verify that the net emission increase of the installation is below the *de minimis* levels;

3. Net emissions do not increase above the *de minimis* levels at an installation having a *de minimis* permit under this section. If net emissions at the installation do increase above the *de minimis* levels, the installation shall be in violation of this rule until it obtains a permit under the other applicable requirements of this rule; and

4. All permit fees are paid.

(C) In order to eliminate the necessity for a large number of *de minimis* permit applications from a single installation, a special case *de minimis* permit may be developed for those batch-type production processes which frequently change products and component source operations. Operating in violation of the conditions of a special case *de minimis* permit shall be a violation of this rule.

(D) Air Quality Analysis Requirements.

1. An air quality analysis will not be required for applications having a maximum design capacity emission rate of no more than the hourly *de minimis* level unless paragraph (5)(D)2.

applies. For applications having a maximum design capacity emission rate greater than the hourly *de minimis* level, a permit will be issued only if an air quality analysis demonstrates that the proposed construction or modification will not appreciably affect air quality or the air quality standards are not appreciably exceeded.

2. Exceptions. The director may require an air quality analysis for applications if it is likely that emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are being appreciably exceeded or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(6) General Permit Requirements for Construction or Emissions Increase Greater Than *De Minimis* Levels.

(A) A permit shall be issued pursuant to this section only if it is determined that the proposed source operation or installation will not—

1. Violate any of the provisions of this rule;

2. Interfere with the attainment or maintenance of ambient air quality standards;

3. Cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A), Table 1 over the baseline concentration in any attainment or unclassified area;

4. Violate any applicable requirements or the Air Conservation Law; and

5. Cause an adverse impact on visibility in any Class I area (those designated in paragraph (12)(I)3. of this rule).

(B) In order for the permitting authority to make this determination, each applicant shall—

1. Complete and submit application forms supplied by the permitting authority. These forms shall consist of an Application for Authority to Construct and an Emissions Information for Construction Permit Application. Both forms

shall be completed so that all information necessary for processing the permit is supplied;

2. Send to the permitting authority as part of the application: site information; plans; descriptions; specifications; and drawings showing the design of the installation, the nature and amount of emissions of each pollutant, and the manner in which it will be operated and controlled;

3. Supply ambient air quality modeling data for the pollutant to determine the air quality impact of the installation on the applications with the potential to emit fifty (50) tons or more of particulate matter or sulfur dioxide. The modeling techniques to be used are as specified in the Environmental Protection Agency's (EPA) Guidelines on Air Quality Models (revised July 1986) (EPA 450/2-78-027R) and supplement A (July 1987) or another model which the permitting authority deems accurate. Temporary installations and portable equipment shall be exempt from this requirement provided that the source shall apply best available control technology (BACT) for each pollutant emitted in a significant amount;

4. Furnish any additional information, plans, specifications, evidence, documentation, modeling or monitoring data that the permitting authority may require to complete review under this rule; and

5. Submit fees for the filing and processing of their permit application. The amount of the fee will be determined from section (10) of this rule.

(C) The review of each permit application will follow the procedures of subsection (12)(A) Appendix A and, when applicable, subsection (12)(B), Appendix B.

(D) Special Considerations for Stack Heights and Dispersion Techniques.

1. The degree of emission limitation required for control of any air pollutant under this rule shall not be affected in any manner by—

A. So much of the stack height of any installation as exceeds good engineering practice (GEP) stack height; or

B. Any other dispersion technique.

2. Paragraph (6)(D)1. of this rule shall not apply to stack heights on which construction commenced on or before December 31, 1970, or to dispersion techniques implemented on or before December 31, 1970.

3. Before the permitting authority issues a permit under this rule based on stack heights that exceed GEP, the permitting authority must notify the public of the availability of the demonstration study and must provide opportunity for a public hearing on it.

4. This paragraph does not require that actual stack height or the use of any dispersion technique be restricted in any manner.

(E) After a permit has been granted—

1. The owner or operator subject to the provisions of this rule shall furnish the permitting authority written notification as follows:

A. A notification of the anticipated date of initial start-up of the source operation or installation not more than sixty (60) days or less than thirty (30) days prior to that date; and

B. A notification of the actual date of initial start-up of a source operation or installation within fifteen (15) days after that date;

2. A permit may be revoked if construction or modification work is not begun within two (2) years from the date of issuance or if work is suspended for one (1) year, and if—

A. The delay was reasonably foreseeable by the owner or operator at the time the permit was issued;

B. The delay was not due to an act of God or other conditions beyond the control of the owner or operator; or

C. Failure to revoke the permit would be unfair to other potential applicants;

3. Any owner or operator who constructs, modifies or operates an installation not in accordance with the application submitted and the permit issued, including any terms and conditions made a part of the permit, or any owner or operator of an installation who commences construction or modification after May 13, 1982, without meeting the requirements of this rule, is in violation of this rule;

4. Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Air Conservation Law and rules or any other requirements under local, state or federal law; and

5. The permitting authority may require monitoring of visibility in any Class I area (those designated in paragraph (12)(I)3. of this rule) near the new installation or major modification for these purposes and by such means as the permitting authority deems necessary and appropriate.

(7) Nonattainment Area Permits.

(A) Exemptions. Installations and modifications which have the potential to emit one hundred (100) tons or more solely because fugitive emissions are counted when calculating potential to emit are exempt from the requirements of this section, provided that the installations are not named in 10 CSR 10-6.020(3)(B), Table 2.

(B) A permit shall not be issued for the construction or major modification of an installation with the potential to emit the nonattainment pollutant in amounts equal to or greater than the *de minimis* levels; for an installation or modification with the potential to emit one hundred (100) tons or more or other nonattainment pollutants; or for a major modification of an installation with the potential to emit one hundred (100) tons or more of the nonattainment pollutant, unless the following requirements, in addition to section (6) are met:

1. By the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained, such that, the total allowable emission from existing sources in the nonattainment area, from new or modified sources which are not major emitting facilities, and from existing sources prior to the application for that permit to construct or modify represent annual incremental reductions in emissions of the nonattainment

pollutant as are required to ensure attainment of the applicable national ambient air quality standard by the applicable date;

2. In the case of a new or modified installation which is located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels which exceed the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with the offset and banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified; and

5. Temporary installation and portable sources shall be exempt from this subsection provided that the source applies BACT for each pollutant emitted in a significant amount.

(C) A permit for the construction or major modification of an installation with the potential to emit annually one hundred (100) tons or more of a nonattainment pollutant, or a permit for a modification with the potential to emit annually one hundred (100) tons or more of a nonattainment pollutant, shall not be issued unless the following requirements, in addition to section (6) of this rule, are met:

1. The applicant must provide documentation establishing that all installations in Missouri which are owned or operated by the applicant (or by any entity controlling, controlled by or under common control with the applicant) are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;

2. The applicant shall document that the provisions in its application for the installation and operation of pollution control equipment or processes will meet the lowest achievable emission rate (LAER) for the nonattainment pollutant. Temporary installations and portable equipment shall be exempt from LAER,

provided the installation applies BACT for each pollutant emitted in a significant amount;

3. For phased construction projects, the determination of LAER shall be reviewed and modified as appropriate at the latest reasonable time prior to commencement of construction of each independent phase of construction;

4. The applicant must provide an alternate site analysis; and

5. The applicant shall provide an analysis of impairment to visibility in any Class I area (those designated in subsection (12)(I) of this rule) that would occur as a result of the installation or major modification and as a result of the general, commercial, residential, industrial and other growth associated with the installation or major modification.

(D) Any construction or modification that will impact a federal Class I area shall be subject to the provisions of subsection (12)(H) of this rule.

(E) NO_x Requirements. For the purpose of section (7), any significant increase due to the levels of emission of oxides of nitrogen, shall be considered significant for ozone. Any installation with the potential to emit one hundred (100) tons per year of oxides of nitrogen located within an area which is nonattainment for ozone, must comply with the specific permit requirements of the nonattainment provisions of section (7) and with section (8) for any significant increase due to the levels of emission of oxides of nitrogen.

(8) Attainment and Unclassified Area Permits.

(A) Applicability.

1. Applicants for permits for construction or major modification of installations which are in a category named in 10 CSR 10-6.020(3)(B), Table 2, and have the potential to emit one hundred (100) tons or more of any pollutant shall adhere to the requirements of this section, in addition to the requirements of section (6) of this rule.

2. Applicants for permits for construction or modification with the potential to emit one hundred (100) tons or

more of any pollutant at an installation in a category named in 10 CSR 10-6.020(3)(B), Table 2 shall comply with the requirements of this section, in addition to the requirements of section (6) of this rule.

3. Applicants for permits for construction or major modification of installations with the potential to emit two hundred and fifty (250) tons or more of any pollutant shall comply with the requirements of this section, in addition to the requirements of section (6); unless the potential to emit would be less than two hundred and fifty (250) tons if fugitive emissions were not counted in calculating the potential to emit and the installation is not in a category named in 10 CSR 10-6.020(3)(B), Table 2.

4. Applicants for permits for construction or modification with the potential to emit two hundred and fifty (250) tons or more of any pollutant shall comply with the requirements of this section, in addition to the requirements of section (6), unless the potential to emit would be less than two hundred and fifty (250) tons if fugitive emissions were not counted in calculating the potential to emit and the installation is not in a category named in 10 CSR 10-6.020(3)(B), Table 2.

(B) Control Technology.

1. An installation to which this section applies shall apply BACT for each pollutant that it would emit in a significant amount.

2. The requirement for BACT in the case of a major modification shall apply to the physical change(s) in the method of operation contained in the permit application that brings the installation’s net emissions increase to the significant level.

3. For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time prior to commencement of construction of each independent phase of construction.

4. An owner or operator of an installation to which this subsection applies may employ a system of innovative control technology, if the procedures specified in subsection (12)(E) of this rule are followed.

(C) Air Quality Impacts.

1. Preapplication modeling and monitoring.

A. Each application shall contain an analysis of ambient air quality or ambient concentrations in the significantly impacted area of the installation for each pollutant specified in 10 CSR 10-6.020(3)(A), Table 1, which the installation would emit in significant amounts. The analysis shall follow the guidelines of subsection (12)(F).

B. The analysis required under this paragraph shall include continuous air quality monitoring data for any pollutant, except VOC, emitted by the installation, for which an ambient air quality standard exists. The owner or operator of a proposed installation or major modification emitting VOC who satisfies all the conditions of 40 CFR part 51, Appendix S, section IV.A. may provide post-construction monitoring data for ozone in lieu of providing preconstruction data for ozone.

C. The continuous air monitoring data required in this paragraph shall relate to, and shall have been gathered over, a period of one (1) year and shall be representative of the year preceding receipt of the complete application, unless the permitting authority determines that a complete and adequate analysis may be accomplished in a shorter period (but not less than four (4) months). Continuous, as used in this subparagraph, refers to frequency of monitoring operation as required by 40 CFR part 58, Appendix B.

D. For pollutants emitted in a significant amount for which no ambient air quality standards exist, the analysis required under this paragraph shall contain whatever air quality monitoring data the permitting authority determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

2. Operation of monitoring stations. The owner or operator shall meet the requirements of 40 CFR part 58, Appendix B during the operation of monitoring stations for the purposes of paragraphs (8)(C)1. or 7. of this rule at the time the station is put into operation.

3. Modeling. The owner or operator of the installation to which this section applies shall provide modeling data,

following the requirements of subsection (12)(F), to demonstrate that potential and secondary emission increases from the installation, in conjunction with all other applicable emissions increases or reductions in the baseline area since the baseline date, will not cause or contribute to ambient air concentrations in excess of any ambient air quality standard or any applicable maximum allowable increase over the baseline concentration in any area, in the amounts listed in subsection (11)(A), Table 1 of this rule. The permitting authority will track the consumption of allowable increment in accordance with subsection (12)(G) of this rule.

4. Emission reductions. The applicant must show that it has obtained emission reductions of a comparable air quality impact for the nonattainment pollutant if its planned emissions of the pollutant will affect a nonattainment area in excess of the air quality impact for that pollutant listed in subsection (11)(D), Table 4 of this rule. These reductions shall be obtained through binding agreement prior to the commencement of operations of the installation or major modification and shall be subject to the offset conditions set forth in 10 CSR 10-6.410.

5. Impact on visibility. The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the installation or major modification and general commercial, residential, industrial and other growth associated with the installation or major modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

6. Projected air quality impacts. The owner or operator shall provide, following the requirements of subsection (12)(F), Appendix F of this rule, an analysis of the air quality impact projected for the area as a result of general commercial, residential and industrial growth, as well as growth associated with the installation or major modification.

7. Post-construction monitoring. After construction of the installation or major modification, the applicant shall conduct ambient monitoring as the permitting authority determines may be necessary to determine the effect emissions from the installation or major modification may have, or are having, on air quality in any area.

8. Exemptions.

A. The requirements of subsection (8)(C) shall not apply unless otherwise determined to be needed by the permitting authority, if—

(I) The increase in potential emissions of that pollutant from the installation would impact no Class I area and no area where an applicable increment is known to be violated; and

(II) The duration of the emissions of the pollutant will not exceed two (2) years.

B. The requirements of subsection (8)(C) as they relate to any maximum allowable increase for a Class II area shall not apply unless otherwise determined to be needed by the permitting authority, if—

(I) The application is for a major modification of an installation which was in existence on March 1, 1978;

(II) Any such increase would cause or contribute to no exceedance of any ambient air quality standard; and

(III) The new increase in allowable emissions of each air pollutant after the application of BACT would be less than fifty (50) tons per year.

C. The requirements of subsection (8)(C) shall not apply, if the ambient air quality effect is less than the air quality impact of subsection (11)(B), Table 2, or if the pollutant is not listed in subsection (11)(B), Table 2, unless otherwise determined to be needed by the permitting authority. The ambient air quality impact must be determined using either of the following methods:

(I) The screening technique set forth in Guidelines for Air Quality Maintenance and Planning Analysis Vol. III (Revised); Procedures for Evaluating Air Quality Impact of New Stationary Sources (United States EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711); or

(II) A more sophisticated modeling technique as indicated in subsection (12)(F).

(D) Modifications in Class I Areas. Any construction or modification that will impact a federal Class I area shall be subject to the provisions of subsection (12)(H).

(E) Offsets. Applicants must obtain emission reductions, obtained through binding agreement prior to commencing operations and subject to 10 CSR 10-6.410, equal to and of a comparable air quality impact to the new or increased, emissions in the following circumstances when the:

1. Area has no increment available; or

2. Proposal will consume more increment than is available.

(10) Permit Amendments and Fees.

(A) Permit Fees.

1. All installations or source operations requiring permits under this rule shall make application to the permitting authority and submit the application with a permit filing fee of one hundred dollars ($100). Failure to submit the permit filing fee constitutes an incomplete permit application according to paragraph (12)(A)2. of this rule.

2. Upon the determination that a complete application for a permit or a permit amendment has been received, a fee for permit processing in the amount of fifty dollars ($50) per hour of actual staff time will begin to accrue. In lieu of the fifty-dollar ($50) per hour review fee, for projects subject to review under paragraph (4)(D)1. of this rule, a fee of two hundred dollars ($200) shall be submitted by the applicant.

3. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is approved, denied, withdrawn or not needed. After the ninety (90) calendar days, the unpaid processing fees shall have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit

applications by the same applicant until the processing fee plus interest have been paid.

4. In addition to permit filing and processing fees, the applicant shall pay for any publication of notice required and shall pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, of any hearing required under this rule. No permit shall be issued until all publication and transcript costs have been paid.

5. Partially processed permits that are withdrawn after submittal shall be charged at the same processing fee rate in paragraph (10)(A)2. for the time spent processing the application.

6. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.

7. Any person who obtains a valid permit from a city or county holding a certificate of authority granted by the commission under section 643.140, RSMo shall be deemed to have met the fee requirements of this section for that permit.

(B) Amending a Final Permit.

1. No changes in the proposed installation or modification may be made which would change any information in a finalized permit, except in accordance with this subsection.

2. If the applicant desires to make the change, the applicant shall submit in writing a request to the permitting authority that the permit be amended.

3. If the requested change will result in increased emissions, air quality impact or increment consumption, and is submitted after the final notice of permit processing fee due, a new permit application is required for the requested change. The new application, to the maximum extent possible, should reference those portions of the original application that are unchanged. This new submittal will be subject to all requirements of this rule. The accrued permit processing fee from the original application must be submitted to the permitting authority before the new permit application can be accepted.

4. If the requested change will not result in increased emissions, air quality impact, or increment consumption, the original permit application shall be amended and the permit shall be modified pursuant to the amended application within thirty (30) calendar days of receipt of the written request. The fee for this type of change will be subject to the requirements of subsection (10)(A), except paragraph (10)(A)1., of this rule.

(11) Tables.

(A) Table-1 Ambient Air Increment Table.

Pollutant	Maximum Allowable Increase
Class I Areas	
Particulate Matter 10 Micron	
Annual arithmetic mean	4
24-hour maximum	8
Sulfur Dioxide:	
Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
Nitrogen Dioxide:	
Annual arithmetic mean	2.5
Class II Areas	
Particulate Matter 10 Micron	
Annual arithmetic mean	17
24-hour maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
Nitrogen Dioxide:	
Annual arithmetic mean	25

Class III Areas

Particulate Matter 10 Micron	
Annual arithmetic mean	34
24-hour maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hour maximum	182
3-hour maximum	700
Nitrogen Dioxide:	
Annual arithmetic mean	50

Notes:

1. All increases in micrograms per cubic meter. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) period once per year at any one (1) location.

2. There are two (2) Class I Areas in Missouri-one (1) in Taney County (Hercules Glade) and one (1) in Wayne and Stoddard Counties (Mingo Refuge).

3. There are no Class III Areas in Missouri at this time.

(B) Table 2-*De Minimis* Ambient Air Quality Impacts.

Pollutant	Air Quality Impact
Carbon monoxide	575, 8-hour average
Nitrogen dioxide	14, annual
Particulate matter-10 micron (PM10)	10, 24-hour
Sulfur dioxide	13, 24-hour
Ozone	*
Lead	.1, 3-month
Mercury	0.25, 24-hour
Beryllium	.001, 24-hour
Fluorides	0.25, 24-hour
Vinyl chloride	15, 24-hour
Total reduced sulfur	10, 1-hour
Hydrogen sulfide	0.2, 1-hour
Reduced sulfur compounds	10, 1-hour

Note: All impacts in micrograms per cubic meter.

No **de minimis air quality level is provided for ozone. However, any potential net increase of 100 tons per year, or more, of volatile organic compounds subject to section (8) would require an ambient impact analysis, including the gathering of ambient air quality data.*

(C) Table 3–Missouri Guidelines for Valid Data Total Suspended Particulate.

Time Period	Minimum Requirement for Validity
Month	2, 24-hour samples
Quarter	10, 24-hour samples and 3 valid months
Year	45, 24-hour samples and 4 valid quarters

Continuously Monitored Data

Time Period	Minimum Requirement for Validity
3-hour running average	3 consecutive hourly observations
8-hour running average	6 hourly observations
24-hour average (daily)	18 hourly observations
Monthly	21 daily averages
Quarterly[1]	3 consecutive monthly averages
Yearly[2]	11 monthly averages

[1]Quarter is defined as calendar quarter.

[2]Year is defined as four (4) consecutive calendar quarters.

(D) Table 4-Levels of Significant Air Quality Impact for Areas Not Meeting 10 CSR 10-6.010.

	Averaging Time (Hours)				
Pollutant	Annual	24	8	3	1
SO_2	1.0	5		25	
PM_{10}	1.0	5			
NO_2	1.0				
CO			.5		2

Note: All impacts in micrograms per cubic meter, except for CO in milligrams per cubic meter.

(12) Appendices.

(A) Appendix A, Permit Review Procedures.

1. Preapplication meeting. Prior to submittal of a complete permit application, the applicant may request a preapplication meeting with the permitting authority to discuss the nature of and apparent requirements for the forthcoming permit application. This meeting shall not fall under the permit fee requirements.

2. Complete application.

A. The permitting authority shall review each application for completeness and shall inform the applicant within thirty (30) days if the application is not complete. In order to be complete, an application must include a completed application form and, to the extent not called for by the form, the information required in paragraph (12)(A)4.

B. If the permitting authority does not notify the installation that its application is not complete within thirty (30) days of receipt of the application, the application shall be deemed complete. However, nothing in this subsection shall prevent the permitting authority from requesting additional information that is reasonably necessary to process the application.

(I) The permitting authority shall maintain a checklist to be used for the completeness determination. A copy of the checklist identifying the application's deficiencies shall

be provided to the applicant along with the notice of incompleteness.

(II) If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or to take final action on that application, the permitting authority may request this additional information in writing. In requesting this information, the permitting authority shall establish a reasonable deadline for a response. The review period will be extended by the amount of time necessary to collect the required information.

(III) In submitting an application for amendment of a construction permit, the applicant may incorporate by reference those portions of the existing permit (and the permit application and any permit amendment) that describe products, processes, operations and emissions. The applicant must identify specifically and list which portions of the previous permit, applications, or both, are incorporated by reference. In addition, a permit amendment application must contain

(a) Information specified in paragraph (12)(A)4. for those products, processes, operations and emissions-

I. That are not addressed in the previous permit or application;

II. That are subject to applicable requirements that are not addressed in the previous permit or application; or

III. For which the applicant seeks permit terms and conditions that differ from those in the previous permit or application.

C. Confidential information. An applicant may submit information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210.

D. Filing fee. Each application must be accompanied by a one hundred dollar ($100) filing fee.

3. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application, upon becoming aware of the failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to the issuance of the construction permit.

4. Standard application form and required information. The director will provide a standard application package for applicant's use. An applicant shall submit an application package consisting of the standard application form and Emissions Information for Construction Permit Application. After the effective date of this rule, any revision to the department-suppled forms will be presented to the regulated community for a forty-five (45)-day comment period. The application package must include all information needed to determine applicable requirements. The application must include information needed to determine the applicability of any applicable requirement. The applicant shall submit the information called for by the application form for each emissions unit at the installation to be permitted. The standard application form (and any attachments) shall require that the following information be provided:

A. Identifying information. The applicant's company name and address (or plant name and address if different from the company name), the owner's name and state registered agent, and the telephone number and name of the plant site manager or other contact person;

B. Processes and products. A description of the installation's processes and products (by two (2)-digit Standard Industrial Classification Code);

C. Emissions-related information. The following emissions-related information on the emission inventory forms:

(I) All emissions of regulated air pollutants. The permit application shall describe all emissions of regulated air pollutants emitted from each emissions unit, except as provided for by this section. The installation shall submit

additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable;

(II) Identification and description of all emissions units whose emissions are included in part (12)(A)4.C.(I), in sufficient detail to establish the applicability of all requirements;

(III) Emissions rates, or information that enables the permitting authority to determine such rates, in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(IV) Information to the extent needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates and operating schedules;

(V) Identification and description of air pollution control equipment;

(VI) Identification and description of compliance monitoring devices or activities;

(VII) Limitations on installation operations affecting emissions or any work practice standards, where applicable, for all regulated air pollutants;

(VIII) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to section 123 of the Act); and

(IX) Calculations on which the information in items (12)(A)4.C.(I)-(VIII) is based;

D. Other specific information required under the permitting authority's rule to implement and enforce other applicable requirements of the Act or of these rules, or to determine the applicability of these requirements.

5. Certification by responsible official. Any application form or report submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy and completeness. This certification, and any other

certification, shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

6. Receipt of the complete application. Upon receipt of a complete permit application, the permitting authority shall proceed with processing of the application.

7. Notification of processing fees. The permitting authority, as timely as possible, will notify the applicant in writing if the permit processing fee approaches one thousand dollars ($1000) and in one thousand-dollar ($1000) increments after that.

8. Public participation. For all applications for sources that emit five (5) or more tons of lead per year, or that contain good engineering practice stack height demonstrations, or that are subject to section (7) or (8) of this rule, the permitting authority shall follow the procedures for public participation as specified in section (12), Appendix (B).

9. Final completeness determination. Final determination will be made on the following schedules:

A. The permitting authority will make final determinations for complete permit applications processed under section (7), (8) or (9) of this rule no later than one hundred and eighty-four (184) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information;

B. The permitting authority will make final determination for complete permit applications processed under section (3), (4), (5) or (6) of this rule no later than ninety (90) calendar days after receipt of a complete application, taking into account any additional time necessary for missing information; and

C. If the permitting authority exceeds the time for review described in subparagraphs (12)(A)9.A. or B. of this rule, the applicant shall not be required to pay the processing fee associated with the application.

10. Conditions required by permitting authority. The permitting authority may impose those conditions in a permit as may be necessary to accomplish the purposes of this rule, any applicable requirements, or the Air Conservation Law, Chapter 643, RSMo, and are no less stringent than any applicable requirements. Nothing in this rule shall be deemed to limit the power of the permitting authority in this regard. The following condition examples are solely for the purposes of illustration, and do not limit the generality of the preceding liberal sentence:

A. Sampling ports of a suitable size, number and location;

B. Safe access to each port;

C. Instrumentation to monitor and record emission data;

D. Other sampling and testing facilities;

E. Operating or work practice constraints to limit the maximum level of emissions;

F. Emission control device efficiency specifications to limit the maximum level of emissions;

G. Maximum level of emissions;

H. Emission testing after commencing operations, to be conducted by the owner or operator, as necessary to demonstrate compliance with applicable requirements or other permit conditions;

I. Data reporting; and

J. Post-construction ambient monitoring and reporting.

11. Drafts for public comment. Following review of an application, the permitting authority shall issue a draft permit for public comment, in accordance with subsection (12)(B) of this rule. The draft shall be accompanied by a statement setting forth the legal and factual basis for the draft permit conditions (including references to applicable statutory or regulatory

provisions). The permitting authority shall send this statement to the administrator, to affected states and to the applicant, and shall place a copy in the public file.

12. Additional procedures needed for unified reviews of section (6), (7), (8) or (9) unified reviews construction permit applications and part 70 operating permit applications.

A. Permit review by the administrator and affected states.

(I) Administrator review.

(a) Copies of applications, proposals and final actions. The applicant will provide two (2) copies of the information included in an application. The permitting authority will forward to the administrator one (1) copy of each permit application and each final operating permit.

(b) Administrator's objection. No permit shall be issued under this rule if the administrator objects to its issuance in writing within forty-five (45) days after receipt of the proposed permit and all necessary supporting information.

(c) Failure to respond to objection. If the permitting authority does not respond to an objection of the administrator by transmitting a revised proposed permit within ninety (90) days after receipt of that objection, the administrator may issue or deny the permit in accordance with the Act.

(d) Public petitions for objection. If the administrator does not object to a proposed permit action, any person may petition the administrator to make such an objection within sixty (60) days after expiration of the administrator's forty-five (45)-day review period.

I. This petition may only be based on objections raised during the public review process, unless the petitioner demonstrates that it was impracticable to raise objection during the public review period (including when the grounds for objection arose after that period).

II. If the administrator responds to a petition filed under this section by issuing an objection, the

permitting authority will not issue the permit until the objection has been resolved. If the permit was issued after the administrator's forty-five (45)-day review period, and prior to any objection by the administrator, the permitting authority shall treat that objection as if the administrator were reopening the permit for cause. In these circumstances, the petition to the administrator does not stay the effectiveness of the issued permit, and the permittee shall not be in violation of the requirement to have submitted a complete and timely permit application.

(II) Affected state review.

(a) Notice of draft actions. The permitting authority will give notice of each draft permit to any affected state on or before the time that the permitting authority provides notice to the public. Affected states may comment on the draft permit action during the period allowed for public comment, as shall be set forth in a notice to affected states.

(b) Refusal to accept recommendations. If the permitting authority refuses to accept all recommendations for a proposed permit action that any affected state has submitted during the review period, the permitting authority shall notify the administrator and the affected state in writing of its reasons for not accepting those recommendations.

B. Proposals for review. Following the end of the public comment period, the permitting authority shall prepare and submit to the administrator a proposed permit.

(I) The proposed permit shall be issued no later than forty-five (45) days after the deadline for final action under this section and shall contain all applicable requirements that have been promulgated and made applicable to the installation as of the date of issuance of the draft permit.

(II) If new requirements are promulgated or otherwise become newly applicable to the installation following the issuance of the draft permit, but before issuance of a final permit, the permitting authority may elect to either-

(a) Extend or reopen the public comment period to solicit comment on additional draft permit provisions to implement the new requirements; or

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the proposed or final permit, or both, a provision stating that the operating permit will be reopened immediately to incorporate the new requirements and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the proposed or final permit, or both, without incorporating the new requirements, the permitting authority, within thirty (30) days after the new requirements become applicable to the source, shall institute proceedings pursuant to this section to reopen the permit to incorporate the new requirements. These reopening proceedings may be instituted, but need not be completed, before issuance of the final permit.

C. Action following the administrator's review.

(I) Upon receipt of notice that the administrator will not object to a proposed permit that has been submitted for the administrator's review pursuant to this section, the permitting authority shall issue the permit as soon as practicable, but in no event later than the fifth day following receipt of the notice from the administrator.

(II) Forty-five (45) days after transmittal of a proposed permit for the administrator's review, and if the administrator has not notified the permitting authority that s/he objects to the proposed permit action, the permitting authority shall promptly issue the permit, but in no event later than the fiftieth day following transmittal to the administrator.

(III) If the administrator objects to the proposed permit, the permitting authority shall consult with the administrator and the applicant, and shall submit a revised proposal to the administrator within ninety (90) days after the date of the administrator's objection. If the permitting authority does not revise the permit, the permitting authority will so inform the administrator within ninety (90) days following the date of the objection and decline to make those revisions. If the administrator disagrees with the permitting

authority, the administrator may issue the permit with the revisions incorporated.

13. Notification in writing. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority shall notify the applicant in writing of the final determination and the total permit processing fees due.

14. Notice of processing fees due. If payment of permit processing fees has not been received from the applicant eighty (80) calendar days after the final determination, the permitting authority shall issue in writing to the applicant a final notice of payment due.

15. Processing fees unpaid. If payment of permit processing fees has not been received from the applicant ninety (90) calendar days after the final determination, the permitting authority shall notify the applicant that the permit has been denied, provided the application previously had been approved in the final determination. The permitting authority also shall advise the applicant that the fee is still due and as specified in paragraph (10)(A)3., the fee shall have interest imposed upon it from the date of billing until payment is made.

16. Payment received. No later than three (3) calendar days after receipt of the whole amount of the fee due, the permitting authority will send the applicant a notice of payment received. The permit will also be issued at this time, provided the final determination was for approval and the permit processing fee was timely received.

(B) Appendix B, Public Participation.

1. This subsection shall apply to applications for unified review, as well as applications under sections (7) and (8), applications for source operations or installations emitting five (5) or more tons of lead per year, and applications containing GEP stack height demonstrations as defined in 10 CSR 10-6.020(1)(G)3.A.-C.

2. For those applications subject to section (7) or (8), completing the final determination within one hundred eighty-four (184) days after receipt of a complete application involves performing the following actions in a timely manner:

A. Preliminary determination. Within ninety (90) days after receipt of a complete application, the permitting authority shall make a preliminary determination whether construction should be approved, approved with conditions or denied;

B. Public notice of hearing. No later than ten (10) days after the close of the preliminary review period, the permitting authority shall cause a notice to be published in a newspaper of general circulation within or nearest to the county in which the project is proposed to be constructed or operated. The public notice shall describe the nature of the application, including, with reasonable specificity, the following: name, address, phone number and representative of the agency issuing the public notice; name and address of the applicant; and the proposed project, including its location and permits applied for; a description of the amount and location of emission reductions that will offset the emissions increase from the new or modified source, and include information on how LAER was determined for the project (where appropriate). The public notice shall also include degree of increment consumption, when appropriate, the permitting authority's preliminary determination of whether or not to approve, approve with conditions or deny, and any reference to conditions relating to visibility as required in paragraph (8)(C)5. The notice shall state, a public hearing shall be held, if requested, concerning the permit application, at which time any interested person may submit any relevant information, materials and views in support of or opposed to the permit applied for. The notice shall state the location and time of the public hearing (if one is requested), with the hearing being held in the county in which all or a major part of the proposed project is to be located and with the hearing being held not less than thirty (30) nor more than forty (40) days after the date of publication of the notice. The notice also shall state that any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the day on which the public hearing is held, or would be held if requested. The notice shall further state that a copy of materials submitted by the applicant and used in making the preliminary determination, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination are available for public inspection at the Department of Natural Resources' regional office in the region in which the proposed installation or major modification would be constructed, as well as at the

Jefferson City Central Office of the Air Pollution Control Program. The permitting authority shall submit a copy of this public notice to the administrator;

C. Availability of preliminary determination. After the close of the preliminary review period, but no later than the date public notice is published, the permitting authority shall make available to the public, until the end of the public comment period, at the regional office in the region in which the proposed installation or major modification would be constructed, as well as in the Air Pollution Control Program Office in Jefferson City, a copy of the preliminary determination and a copy of summary of other materials, if any, considered in making the preliminary determination;

D. The permitting authority may designate another person to conduct any hearing under this section;

E. Distribution of public notice. Within ten (10) days after the close of the preliminary review period, the permitting authority shall send a copy of the public notice to the applicant and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: local air pollution control agencies, the chief executive of the city and county where the installation or modification would be located, any comprehensive regional land use planning agency, any state air program permitting authority and any Federal Land Manager (FLM) whose lands may be affected by emissions from the installation or modification;

F. Public comment and applicant response. The permitting authority shall consider all written comments submitted within the time specified in the public notice and all comments received at the public hearing, if one is held, in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The permitting authority shall consider the applicant's response in making a final decision. The permitting authority shall make all comments available for public inspection in the same locations where the permitting authority made available prehearing information relating to the proposed installation or modification. Further, the permitting authority shall prepare written response to all comments and make them available at the locations referred to previously;

G. Final determination. The permitting authority shall make a final determination whether construction should be approved, approved with conditions or denied pursuant to this rule, then notify the applicant in writing of the final determination and make this notification available for public inspection at the same locations where the permitting authority made available prehearing information and public comments relating to the installation or modification. The permitting authority shall submit a copy of this final determination to the administrator;

H. Public notice exception. If the administrator has provided public notice and opportunity for public comment and hearing equivalent to that provided by this subsection, the permitting authority may make a final determination without providing public notice and opportunity for public comment and hearing required by this subsection; and

I. Class I area visibility review and notice to the FLM.

(I) For proposed installation subject to specific permit requirements in sections (7) and (8) of this rule, but not dependent on any quantity of lead emissions as stated in paragraph (12)(B)1., the permitting authority shall provide advance notification to any FLM where, in the judgment of the permitting authority, visibility may be affected in a Class I area of the FLM's responsibility. The notice shall be provided within thirty (30) days of receipt of an initial application or when first learning of the applicant's intent for a permit.

(II) No later than thirty (30) days after receipt of a complete application, the permitting authority shall make written notification to the FLM whose Class I area (those designated in paragraph (12)(I)3.) may be affected by emissions from the proposed source. The notification must include all information relevant to the permit application and shall include an analysis of anticipated Class I visibility impacts. The permitting authority may also make this notification to any additional FLM whose Class I area's visibility, in the judgment of the permitting authority, may be impacted.

(III) The permitting authority shall consider any analysis performed by an FLM that is provided to the permitting authority within thirty (30) days of the FLM's receipt of the

notification and analysis required in part (12)(B)2.I.(II). Where the FLM's analysis indicates that an adverse impact on visibility (as defined in 10 CSR 10-6.020) would occur in a Class I area as a result of the proposed project, and analysis does not demonstrate an adverse impact to the permitting authority's satisfaction, the permitting authority shall so indicate the dissatisfaction in the public notice of hearing. With this condition, the public notice also shall contain the location where an explanation of the permitting authority's reasoning can be found, and that the explanation be available for public inspection no later than the date public notice is published.

3. This paragraph is for those applications not subject to section (7) or (8), but which propose an emission of five (5) or more tons of lead per year or applications containing GEP stack height demonstrations. For these applications, completing the final determination within ninety (90) calendar days after receipt of the complete application involves performing the same public participation activities as those subject to section (7) or (8), but with shorter time frames. The following specifies the new time frames:

A. Permitting authority's preliminary determination-No later than forty-five (45) calendar days after receipt of a complete application;

B. Public notice of hearing-No later than five (5) calendar days after the preliminary determination;

C. Public hearing-No later than thirty (30) calendar days after the date of the public notice; and

D. Applicant response-No later than five (5) calendar days after the end of the public comment period, the applicant may submit a written response to any comments submitted.

(C) Appendix C, Offsets. Offset provisions may be found in 10 CSR 10-6.410.

(D) Appendix D, Banking. Banking provisions may be found in 10 CSR 10-6.410.

(E) Appendix E, Innovative Control Technology.

1. An owner or operator of an installation subject to section (8) of this rule may employ a system of innovative control technology if-

A. The applicant demonstrates to the satisfaction of the permitting authority that the proposed control system will not cause or contribute to an unreasonable risk to public health, welfare or safety in its operation, function or malfunction;

B. The owner or operator demonstrates the ability and agrees to achieve a level of continuous emission reduction equivalent to that which would have been required under paragraph (8)(B)1. of this rule, by a reasonable date specified by the permitting authority, taking into consideration the technical and economic feasibility. The date shall not be later than four (4) years from the time of startup or seven (7) years from permit issuance;

C. On the date specified by the permitting authority, the proposed construction, employing the system of innovative control, will meet the requirements of paragraphs (8)(C)3. and 4.;

D. The proposed construction would not, before the date specified by the permitting authority-

(I) Cause or contribute to a violation of an applicable national ambient air quality standard;

(II) Impact any Class I area; or

(III) Impact any area where an applicable increment is known to be violated;

E. The governor of any adjacent state that will be significantly impacted by the proposed construction gives his/her consent before the date specified by the permitting authority; and

F. All other applicable requirements, including those for public participation, have been met.

2. Any approval to employ a system of innovative control technology may be revoked by the permitting authority, if-

A. The proposed system fails or will fail by the specified date to achieve the required continuous emission reduction rate; or

B. The proposed system, before the specified date, contributes or will contribute to an unreasonable risk to public health, welfare or safety in its operation, function or malfunction; or

C. The permitting authority determines that the proposed system is unlikely to protect the public health, welfare or safety.

3. If an installation to which this subsection applies fails to meet the required level of continuous emission reduction within the specified time period, or the approval is revoked in accordance with paragraph (12)(E)2., the owner or operator may request the permitting authority to grant an extension of time for a minimum period as may be necessary to meet the requirement for the application of BACT through use of a demonstrated system of control. The period shall not extend beyond the date three (3) years after termination of the same time period specified in paragraph (12)(E)1.

(F) Appendix F, Air Quality Models.

1. All estimates and analyses of ambient concentrations shall be based on the applicable air quality models, data bases and other requirements specified in the *Guideline on Air Quality Models* (Revised, July 1986) (EPA 450/2-78-027R) and Supplement A (July 1987).

2. Any model(s) designated in paragraph (12)(F)1. may be adjusted upon a determination by the administrator and the permitting authority, after notice and opportunity for public hearing, that the adjustment is necessary to take into account unique terrain or meteorological characteristics of an area potentially affected by emissions from the source. Methods like those outlined in the *Workbook for the Comparison of Air Quality Models* (United States EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, May 1978) should be used to determine the comparability of air quality models.

3. Where the *Guideline on Air Quality Models* (Revised, July 1986) and Supplement A (July 1987) does not address a

situation requiring modeling, the administrator and the permitting authority, after notice and opportunity for public hearing, may approve the use of a model which they deem accurate for modeling that situation.

(G) Appendix G, Increment Tracking.

1. The permitting authority will track ambient air increment consumption at fixed baseline locations within the baseline areas.

2. Available increment will be allocated on a first-come, first-serve basis. The marked received date of a complete application will be used by the permitting authority to determine which applicant is entitled to prior allocation of increments.

3. At the intervals of five (5) years from the baseline date, the permitting authority shall determine the actual air quality increment available or consumed for a location(s) for which complete air monitoring data exists using subsection (11)(C), Table 3.

4. Exclusions from increment consumption. Upon written request of the owner or operator of an installation, made after notice and opportunity for at least one (1) public hearing to be held in accordance with the procedures established in subsection (12)(B), the permitting authority shall exclude the following concentrations in determining consumption of a maximum allowable increase:

A. Concentrations attributable to the increase in emissions from installations which have converted from the use of petroleum products, natural gas, or both, by reason of an order in effect under sections 2(a) and (b) of the Energy Supply Environmental Coordination Act of 1974 over the emissions from those sources before the effective date of the order;

B. Concentrations attributable to the increase in emissions from installations which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from those sources before the effective date of the plan;

C. Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities, however;

D. No exclusion of these concentrations shall apply more than five (5) years after the effective date of the order to which subparagraph (12)(G)4.A. refers or the plan to which subparagraph (12)(G)4.B. refers, whichever is applicable. If both the order and the plan are applicable, no exclusion shall apply more than five (5) years after the later of the effective dates.

(H) Appendix H, Impacts on Class I Areas.

1. At any time prior to the close of the public comment period specified in subsection (12)(B), the FLM for any federal Class I area may provide information to the permitting authority demonstrating that the emissions from the proposed installation or major modification would have an adverse impact on the air quality-related values (including visibility) of any federal mandatory Class I area, notwithstanding that the change in air quality, resulting from emissions from the installation or major modification, would not cause or contribute to concentrations which would exceed the maximum allowable increase for a Class I area, as specified in subsection (11)(A), Table 1. If the permitting authority concurs in the demonstration by the FLM, the permit shall be denied.

2. Class I variances. The owner or operator of a proposed installation or major modification may demonstrate to the FLM that the emissions from the source would have no adverse impact on the air quality-related values of any federal mandatory Class I area (including visibility), notwithstanding that the change in air quality resulting from emissions from the source would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the FLM concurs with a demonstration and so certifies to the permitting authority, the permitting authority, providing that all other applicable requirements of this rule are met, may issue the permit with those emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter and nitrogen dioxide would not exceed the following maximum allowable increases over baseline concentration for these pollutants:

Pollutant	Maximum Allowable Increase
Particulate Matter 10 Micron:	
Annual arithmetic mean	17
24-hour maximum	30
Sulfur Dioxide:	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	325
Nitrogen Dioxide:	
Annual arithmetic mean	25

Note: Increases are in micrograms per cubic meter.

3. Sulfur dioxide variance by governor with FLM's concurrence.

A. If the owner or operator of a proposed installation or major modification who has been denied an FLM's certification pursuant to paragraph (12)(H)1. demonstrates to the governor that the installation or major modification cannot be constructed as a result of any maximum allowable increase for sulfur dioxide for periods of twenty-four (24) hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this part would not adversely affect the air quality-related values of the area (including visibility), then the governor, after consideration of the FLM's recommendation (if any) and subject to his/her concurrence, may grant, after notice and an opportunity for a public hearing, a variance from these maximum allowable increases.

B. If a variance is granted, the permitting authority may issue a permit to an installation or major modification in accordance with the requirements of paragraph (12)(H)5., provided that all other applicable requirements of this rule are met.

4. Variance by the governor with the president's concurrence.

A. The recommendations of the governor and the FLM shall be transferred to the president in any case where the governor recommends a variance in which the FLM does not concur.

B. If this variance is approved by the president pursuant to 42 U.S.C.A. section 7475(d)(2)(D)(ii), the permitting authority may issue a permit in accordance with the requirements of paragraph (12)(H)5. provided that all other applicable requirements of this rule are met.

5. Emission limitations for presidential or gubernatorial variance.

A. In the case of a permit issued pursuant to paragraph (12)(H)3. or 4., the permitting authority shall impose, as conditions of the permit, emission limitations as may be necessary to assure that emissions of sulfur dioxide from the installation or major modification (during any day on which the otherwise applicable maximum allowable increases are exceeded) will not cause or contribute to concentrations which will exceed the following maximum allowable increases over the baseline concentration:

Maximum Allowable Increase
(micrograms per cubic meter)

Period of Exposure	Terrain Areas	
	Low	High
24-hour maximum	36	62
3-hour	130	221

B. These emission limitations also shall assure that the emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period.

6. The permitting authority shall transmit to the administrator a copy of each permit application under this subsection (12)(H) and provide notice to the administrator of every action related to the consideration of a permit.

(I) Appendix I, Attainment and Unclassified Area Designations.

1. Area classification.

A. The following areas shall be Class I areas and may not be redesignated:

(I) Hercules Glade National Wilderness Area; and

(II) Mingo National Wilderness Area.

B. Any other area, unless specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

C. The following areas may be redesignated only as Class I or II:

(I) An area which as of August 7, 1977 exceeded ten thousand (10,000) acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore; and

(II) A national park or national wilderness area established after August 7, 1977, which exceeds ten thousand (10,000) acres in size.

2. Area redesignation.

A. All areas (except as otherwise provided under paragraph (12)(I)1.) are designated Class II as of December 5, 1974.Redesignation (except as precluded by paragraph (12)(I)1.) may be proposed by the commission as provided in this rule, subject to approval by the administrator.

B. The commission may submit to the administrator a proposal to redesignate areas of the state as Class I or Class II provided that-

(I) At least one (1) public hearing has been held in accordance with procedures established in 643.070 and 643.100, RSMo;

(II) Other states and FLMs whose lands may be affected by the proposed redesignation were notified at least thirty (30) days prior to the public hearing;

(III) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least thirty (30) days prior to the hearing and the notice announcing the hearing containing appropriate notification of the availability of that discussion;

(IV) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the commission has provided written notice to the appropriate FLM and afforded adequate opportunity (not in excess of sixty (60) days) to confer with the commission respecting the redesignation and to submit written comments and recommendations. In redesignating any area, with respect to which any FLM had submitted written comments and recommendations, the commission shall have published a list of any inconsistencies between the redesignation and comments and recommendations (together with the reasons for making redesignation against the recommendation of the FLM); and

(V) The commission has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

C. Any area other than an area to which paragraph (12)(I)1. refers may be redesignated Class III if-

(I) The redesignation would meet the requirements of provisions established in accordance with subparagraph (12)(I)2.B.;

(II) The redesignation has been approved by the commission and the governor;

(III) The redesignation has been approved by the governor after consultation with the appropriate committees of the legislature if it is in session, or with the leadership of the legislature if it is not in session;

(IV) General purpose units of local government, representing a majority of the residents of the area to be redesignated, adopt resolutions concurring in the redesignation;

(V) The redesignation would not cause or contribute to a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

(VI) Any permit application for any installation or major modification subject to provisions established in accordance with subparagraph (12)(I)2.A. which could receive a permit only if the area in question were redesignated as Class III and any material submitted as part of that application were available, insofar as was practicable, for public inspection prior to any public hearing on redesignation of any area as Class III.

3. Area class designations.

Area Class	Description
Class I	Hercules Glade National Wilderness Area Mingo National Wilderness Area
Class II	All areas of the state which are not nonattainment
Class III	No areas designated

(J) Appendix J, Air Quality Analysis for Hazardous Air Pollutants.

1. The director shall maintain a table of emission threshold levels, risk assessment levels, and screening model action levels for hazardous air pollutants. Applicants will not be required to submit a hazardous air pollutant air quality analysis for applications having a maximum design capacity no more than the hazardous air pollutant emission threshold levels unless paragraph (12)(J)2. applies.

2. Exceptions. The director may require an air quality analysis for applications if it is likely that the construction or modification will result in the discharge of air contaminants in quantities, of characteristics and of a duration which

directly and proximately cause or contribute to injury to human, plant, or animal life or the use of property or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

EPA Rulemakings

CFR: 40 C.F.R. 52.1320(c)

FRM: 68 FR 47468 (08/11/2003)

PRM: 68 FR 47530 (08/11/2003)

State Submission: 04/11/2003

State Final: 10 C.S.R. 10-6 (03/31/2003)

State Effective Date: 04/30/03

APDB File: MO-216

Description: The offset and banking provisions of this rule were deleted and the these provisions were incorporated into a new emissions banking and trading rule (10 CSR 10-6.410).

444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)

FRM: 67 FR 54959 (08/27/2002)

PRM: 67 FR 54992 (08/27/2002)

State Submission: 05/30/2002

State Final: 10 C.S.R. 10-6 (04/30/2002)

APDB File: MO-201

Description: This revision exempts incinerators used for noncommercial incineration of dead animals. By state statute these incinerators are regulated by the University of Missouri Extension Service.

444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)

FRM: 67 FR 13573 (03/25/2002)

PRM: 66 FR 18223 (04/06/2001)

State Submission: 07/31/2000

State Final: 10 C.S.R. 10-6 (04/30/00)

APDB File: MO-164

Description: This revision establishes a fixed fee for portable plant relocations; establishes a negligible emission level to exempt very small projects from permit review; and clarifies when particular reviews require analysis of air quality impacts, establishing cutoffs for nonmajor sources.

444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(110)

FRM: 63 FR 70665 (12/22/98)

PRM: 63 FR 70709 (12/22/98)

State Submission: 5/28/98

State Proposal: 22 MR 1478 (9/16/97)

State Final: 10 C.S.R. 10-6 (3/31/98)

APDB File: MO-149

Description: This revision makes minor corrections to the "Construction Permits Required" rule to increase readability, correct typographical and punctuation errors, and maintain consistency with the Federal regulations.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(86)(i)(A)

FRM: 61 FR 7714 (2/29/96)

PRM: 60 FR 16824 (4/3/95)

State Submission: 8/21/95

State Proposal: 19 MR 585 (2/15/94)

State Final: 10 C.S.R. 10-6 (7/31/95)

APDB File: MO-103, MO-111

Description: The EPA approved revisions which defines sources which are required to obtain permits to construct. It establishes requirements to be met prior to construction or modification of any of these sources. This rule also establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(75)(i)(A)

FRM: 56 FR 9172 (3/5/91)

PRM: None

State Submission: 9/25/90

State Proposal: 15 MR 297 (2/15/90)

State Final: 15 MR 842 (5/14/90)

APDB File: MO-80

Description: This revision incorporates nitrogen oxides increments into existing prevention of significant deterioration rules.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(69)(i)(A)

FRM: 55 FR 736 (1/9/90)

PRM: None

State Submission: 1/24/89

State Proposal: 13 MR 1509 (9/19/88)

State Final: 13 MR 1959 (12/19/88)

APDB File: MO-79

Description: The EPA approved revisions which: (1) revised the schedule of permit fees, (2) provided that all such fees be placed in an air pollution control fund, (3) revised the schedule for processing permits, and (4) made other administrative changes.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(66)(i)(A)

FRM: 54 FR 31524 (7/31/89)

PRM: None

State Submission: 5/12/88

State Proposal: 13 MR 111 (1/19/88)

State Final: 13 MR 602 (4/18/88)

APDB File: MO-67

Description: The EPA approved revisions which added PM_{10} requirements.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(68)(i)(A)

FRM: 54 FR 15933 (4/20/89)

PRM: None

State Submission: 10/18/88

State Proposal: 13 MR 895 (6/17/88)

State Final: 13 MR 1536 (9/19/88)

APDB File: MO-71

Description: The EPA approved a revision which updated the reference to the EPA's air quality modeling guideline.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(67)(i)(A)

FRM: 54 FR 13184 (3/31/89)

PRM: 52 FR 44920 (11/23/87)

State Submission: 8/18/86

State Proposal: 11 MR 241 (1/16/86)

State Final: 11 MR 896 (5/1/86)

APDB File: MO-63

Description: The EPA approved revisions to the regulations which incorporated restrictions on credit for excessive stack height.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1339

FRM: 52 FR 45132 (11/24/87)

PRM: 52 FR 7802 (3/12/87)

State Submission: None

State Proposal: None

State Final: None

APDB File: MO-33a

Description: The EPA promulgated the provisions for long-term visibility strategies into the SIP. The state did not make a submittal.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(56)(i)(A)

FRM: 51 FR 4916 (2/10/86)

PRM: 50 FR 48612 (11/26/85)

State Submission: 5/3/85

State Proposal: 10 MR 179 (2/1/85)

State Final: 10 MR 599 (5/1/85)

APDB File: MO-33

Description: The EPA approved the visibility new source review requirements for Class I areas.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(37)

FRM: 50 FR 48759 (11/27/85)

PRM: 50 FR 8751 (3/5/85)

State Submission: 12/17/84

State Proposal: None

State Final: None

APDB File: MO-55

Description: The EPA redesignated New Madrid to attainment and made the regulation applicable to the area.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(37)

FRM: 47 FR 56625 (12/20/82)

PRM: None

State Submission: None

State Proposal: None

State Final: None

APDB File: MO-39

Description: The EPA redesignated Columbia to attainment and made the regulation applicable to the area.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444
CFR: 40 C.F.R. 52.1320(c)(37)

FRM: 47 FR 26833 (6/22/82)

PRM: 47 FR 7696 (2/22/82)

State Submission: 4/8/82

State Proposal: 6 MR 1426 (12/1/81)

State Final: 7 MR 771 (5/3/82)

APDB File: MO-27

Description: The EPA approved a completely new regulation except insofar as the rule pertained to the New Madrid and Columbia nonattainment areas. The old rule was rescinded.
4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(28)

FRM: 46 FR 31011 (6/12/81)

PRM: None

State Submission: 3/27/81

State Proposal: 5 MR 1400 (12/1/80)

State Final: 6 MR 413 (4/1/81)

APDB File: MO-19

Description: The EPA approved a revision to the regulation pertaining to the requirements for permitting modifications to major sources in nonattainment areas. This corrected a condition on the EPA's approval of the rule on May 9, 1980 (see 45 FR 30626).

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

CFR: 40 C.F.R. 52.1320(c)(18)

FRM: 45 FR 30626 (5/9/80)

PRM: 45 FR 18407 (3/21/80)

State Submission: 4/7/80

State Proposal: 5 MR 67 (1/2/80)

State Final: 5 MR 416 (4/1/80)

APDB File: MO-06

Description: The EPA approved a new regulation pertaining to the permitting of new sources and conditionally approved provisions pertaining to new source review in nonattainment areas. The condition required the state to change the requirements for permitting modifications to major sources in nonattainment areas. This rule replaced Regulations X (Kansas City Metropolitan Area), S-II (Outstate), IX (Springfield-Greene County), and XVIII (St. Louis Metropolitan Area), approved in the original SIP at 37 FR 10842 (May 31, 1972). The state recodified the original rules as 10 C.S.R. 10-2.110, 3.020, 4.100, and 5.190, respectively, and in turn rescinded them with the adoption of 10 C.S.R. 10-6.060.

4444444444444444444444444444444444444444444444444444444444444444444444444444444444444444444

<u>Difference Between the State and EPA-Approved Regulation</u>

The state rule contains section 9 pertaining to hazardous air pollutants which is not approved as part of the SIP.